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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,266	09/26/2003	James Kendall	87367.1100	4947

7590 09/18/2006

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EXAMINER

SCHATZ, CHRISTOPHER

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,266

Applicant(s)

KENDALL ET AL.

Examiner

Christopher T. Schatz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Babbin et al. '942 in view of Babbin et al. '095.

Babbin et al. '942 disclose an apparatus capable of making a hose; said apparatus comprising: a weaving machine 20 and a liner feeder capable of forming said hose by weaving a jacket about said liner as said liner is being fed into said weaving machine; a feeder for receiving and capable of flattening said hose (at nip between 32 and 38, see figure 3); an oven 28 located downstream from said feeder, including a bore through which said hose passes (figure 2, column 2, lines 50-53), said oven including means 45 for applying RF radiation to said hose so that said radiation absorbing element heats following the application of radiation for bonding said liner to said jacket (column 3, lines 2-14); a winder 55, located downstream a predetermined distance away from said oven- for pulling and- winding said- hose, and a controller, capable of controlling said oven, said feeder, and said winder (column 3, lines 33-37). Examiner asserts that use of control means for a weaving machine and a liner feeder is well known in the art. The

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reference is silent as to the winder being further provided with pressurizing means for internally pressurizing a portion of said hose located between said winder and said feeder.

Babbin '095 discloses an apparatus capable of manufacturing a hose, wherein said apparatus comprises: an oven including means for applying radiation, and a pressurizing means capable of internally pressurizing a portion of the hose while the hose is in the oven. The advantage, as disclosed by Babbin '095, of using a pressurizing means capable of pressurizing said hose while said hose is being cured in said oven is that said means allows for the hose to maintain proper shape during curing, and further allows formation of a smooth interior surface (column 5, lines 21-38). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to add a pressurizing means capable of internally pressurizing a portion of a hose while said hose is in an oven to the apparatus of Babbin et al. '942 as taught by Babbin et al. '095 above. Applicant should note that microwave radiation is considered to be within the RF range as defined by the International Telecommunication Union (see attachment).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babbin et al. '942 and Babbin et al. '095 in view of Jordon '969.

Babbin et al. '945 and Babbin et al. '045 disclose an apparatus as stated above, but the references are silent as to an apparatus comprising an ultrasonic leak detector. Jordon discloses that the use of ultrasonic leak detectors for detecting leaks in hoses is well known and advantageous (column 1, lines 22-63). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to place an ultrasonic leak detector between the oven and winder of Babbin et al. '942 as taught by Jordon above in order to create an apparatus capable of determining if leaks in the hose are present.

Allowable Subject Matter

Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The use of longitudinally spaced plates lying in a plane perpendicular to an axis of a bore wherein said plates are capable of having voltage or current applied thereto, is known (Katz et al. '759). However, the prior art does not disclose an apparatus capable of applying alternating voltage to a hose as said hose passes through a bore.

Response to Arguments

Applicant's arguments filed July 10, 2006 have been fully considered but they are not persuasive. Applicant states that one would not look to either cited Babbitt et al. reference. Examiner respectfully disagrees. The frequency ranges disclosed by Babbitt are within the RF range. The RF range is considered to be 30Hz-300GHz as defined by the International Telecommunication Union.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher T. Schatz** whose telephone number is 571-272-1456. The examiner can normally be reached on 8:00-5:30, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Christopher T. Schatz


JUSTIN R. FISCHER
PRIMARY EXAMINER